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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/737,328

12/14/2000

David Brian Zaun

GEN-165

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7590

04/07/2004

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WASHINGTON, DC 20036

EXAMINER

SEFCHECK, GREGORY B

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/737,328

Applicant(s)

ZAUN ET AL.

Examiner

Gregory B Sefcheck

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The claimed invention is directed to non-statutory subject matter.

Claims 1-9 are rejected under 35 U.S.C. 101 because:

The claimed "packet identifier table" is merely a data structure and does not constitute statutory subject matter such as a process, machine, article of manufacture or composition of matter.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-~~9~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Rao (US005506844A).

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- In regards to Claims 1-9,

Rao discloses a data-identifying table in a multiplexing system (Abstract). Rao shows that the multiplexing system has a controller for controlling the encoders that process the input data to the multiplexer (Fig. 3; Col. 6-7, lines 60-12; claim 1/7 – packet identifier table for use in a re-multiplexer module having an input processor controlled by a host processor in a packet processing system).

Referring to Fig. 3, Rao shows a first table that is used by the encoders 302 to control the processing of data input to the multiplexer 300 (Col. 6, lines 15-38; claim 1/7 – active table containing values used by the input processor to select packets for storage in an input packet data stream).

Rao further shows a second table that is built while the first table is being used to select packets. This new table contains the values to be used by the encoders 302 for processing the input data over the next processing window (Col. 6-7, lines 60-12; claim 1/7 – pending table containing values that can be modified by the host processor while the active table is being used by the input processor).

Rao further discloses that the first and second tables are stored in a dual-port accessible memory 313 within the controller 310 of the multiplexer 300 (Fig. 3; claim 2/7 – table is constructed as a multi-port accessible memory; claim 3/8 – multi-port accessible memory is a dual-port accessible memory; claim 4/7/9 – memory is partitioned into two portions to form the active table and the pending table).

-Art Unit: 2662

Rao shows that the multiplexer switches from the first table to the second table for processing input data in the next processing window (Col. 7, lines 5-12; claim 5/7 – switching mechanism allowing the host processor to switch the active table into a current pending table and switch the pending table into a current active table).

Rao shows that the switching mechanism for switching between the values of the first table and the values of the second table includes the CPU 312 of the multiplexer 300 modifying a control bit in the encoder (Col. 14, lines 32-40; claim 6/7 – switching mechanism includes modifying a control bit in the input processor via the host processor).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kaneko et al. (US006505347B1) discloses a control information generating apparatus for broadcast system
- Van Den Heuvel (US006175577B1) discloses a transmission system for transmitting a flexible multiplex signal
- Daruwalla et al. (US006128296A) discloses a method and apparatus for distributed packet switching using distributed address tables
- Calvignac et al. (US006044079A) discloses statistical packet discard

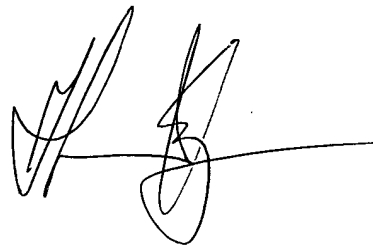
- Nelson (US005950210A) discloses a database row version differentiation process
- Takatori et al. (US005473598A) discloses a routing method and apparatus for switching between routing and conversion tables based on selection information included in cells to be routed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B Sefcheck whose telephone number is 703-305-0633. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS  
4-2-2004

A handwritten signature in black ink, appearing to be 'H. Kizou', written over a horizontal line.

HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600